

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 18048 of 2007

DATED: 28-08-2007

Between:

Kumar Pranal Sanghvi.

...Petitioner

and

The Special Deputy Collector/
Land Acquisition (GHMC), Office of the
Collector, Hyderabad and others

...Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 18048 of 2007

Oral order:

This writ petition is filed under misapprehension and is misconceived.

The petitioner seeks a declaration that the action of the respondents 1 to 3 in failing to refer the dispute to the Civil Court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') in respect of the property bearing premises No.3-6-239, Lilam Village, Himayathnagar, Hyderabad (which is under a process of acquisition consequent on the issuance of notifications under the provisions of the Act despite receiving a lawyer's notice and the petitioner seeking payment of compensation), is illegal.

The petitioner claims a share in the property which is under acquisition. Notification under Section 4 (1) of the Act was published on 24-7-2007 dispensing with the enquiry under Section 5-A of the Act invoking urgency. Draft declaration under Section 6 of the Act was published on 2-8-2007. The petitioner sent up a lawyers notice dated 6-8-2007 to the respondents 1 and 2 claiming a share in the land and laconically informing that a partition suit is pending before the High Court which includes the said property.

According to the averments in the writ petition, no award has yet been passed by the respondents 1 and 2. Once a person lodges a claim for the whole or a part of the compensation amount claiming ownership rights wholly or protanto in respect of the property acquired, the Land Acquisition Officer is required to consider the same in

accordance with law, duly dealing with the claim in the award or if any doubt arises as to resolution of such claim, to refer to the civil court under Section 30 of the Act. As the respondents have not yet passed the award, the apprehension of the petitioner that his objections will not be entertained and considered at all is a mere apprehension which is speculative. No mandamus can be issued to assuage a phobia. There are no merits.

The writ petition is dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

28-08-2007

GRR